

1-1 By: Frullo, et al. (Senate Sponsor - Whitmire) H.B. No. 1935  
 1-2 (In the Senate - Received from the House May 10, 2017;  
 1-3 May 10, 2017, read first time and referred to Committee on Criminal  
 1-4 Justice; May 19, 2017, reported favorably by the following vote:  
 1-5 Yeas 6, Nays 0; May 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the carrying of certain knives; creating a criminal  
 1-20 offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 52.031(a), Family Code, is amended to  
 1-23 read as follows:

1-24 (a) A juvenile board may establish a first offender program  
 1-25 under this section for the referral and disposition of children  
 1-26 taken into custody, or accused prior to the filing of a criminal  
 1-27 charge, of:

- 1-28 (1) conduct indicating a need for supervision;
- 1-29 (2) a Class C misdemeanor, other than a traffic  
 1-30 offense; or
- 1-31 (3) delinquent conduct other than conduct that  
 1-32 constitutes:

1-33 (A) a felony of the first, second, or third  
 1-34 degree, an aggravated controlled substance felony, or a capital  
 1-35 felony; or

1-36 (B) a state jail felony or misdemeanor involving  
 1-37 violence to a person or the use or possession of a firearm,  
 1-38 location-restricted ~~illegal~~ knife, or club, as those terms are  
 1-39 defined by Section 46.01, Penal Code, or a prohibited weapon, as  
 1-40 described by Section 46.05, Penal Code.

1-41 SECTION 2. Section 53.01(d), Family Code, is amended to  
 1-42 read as follows:

1-43 (d) Unless the juvenile board approves a written procedure  
 1-44 proposed by the office of prosecuting attorney and chief juvenile  
 1-45 probation officer which provides otherwise, if it is determined  
 1-46 that the person is a child and, regardless of a finding of probable  
 1-47 cause, or a lack thereof, there is an allegation that the child  
 1-48 engaged in delinquent conduct of the grade of felony, or conduct  
 1-49 constituting a misdemeanor offense involving violence to a person  
 1-50 or the use or possession of a firearm, location-restricted  
 1-51 ~~illegal~~ knife, or club, as those terms are defined by Section  
 1-52 46.01, Penal Code, or prohibited weapon, as described by Section  
 1-53 46.05, Penal Code, the case shall be promptly forwarded to the  
 1-54 office of the prosecuting attorney, accompanied by:

1-55 (1) all documents that accompanied the current  
 1-56 referral; and

1-57 (2) a summary of all prior referrals of the child to  
 1-58 the juvenile court, juvenile probation department, or a detention  
 1-59 facility.

1-60 SECTION 3. Section 46.01(6), Penal Code, is amended to read  
 1-61 as follows:

2-1 (6) "Location-restricted [~~illegal~~] knife" means a[+  
 2-2 [~~(A)~~] knife with a blade over five and one-half  
 2-3 inches[+  
 2-4 [~~(B)~~ hand instrument designed to cut or stab  
 2-5 another by being thrown,  
 2-6 [~~(C)~~ dagger, including but not limited to a dirk,  
 2-7 stiletto, and poniard,  
 2-8 [~~(D)~~ bowie knife,  
 2-9 [~~(E)~~ sword, or  
 2-10 [~~(F)~~ spear].

2-11 SECTION 4. Section 46.02, Penal Code, is amended by  
 2-12 amending Subsections (a) and (b) and adding Subsections (a-4) and  
 2-13 (d) to read as follows:

2-14 (a) A person commits an offense if the person:  
 2-15 (1) intentionally, knowingly, or recklessly carries  
 2-16 on or about his or her person a handgun[~~, illegal knife,~~] or club;  
 2-17 and

2-18 (2) [~~if the person~~] is not:  
 2-19 (A) [~~(1)~~] on the person's own premises or  
 2-20 premises under the person's control; or  
 2-21 (B) [~~(2)~~] inside of or directly en route to a  
 2-22 motor vehicle or watercraft that is owned by the person or under the  
 2-23 person's control.

2-24 (a-4) A person commits an offense if the person:  
 2-25 (1) intentionally, knowingly, or recklessly carries  
 2-26 on or about his or her person a location-restricted knife;  
 2-27 (2) is younger than 18 years of age at the time of the  
 2-28 offense; and

2-29 (3) is not:  
 2-30 (A) on the person's own premises or premises  
 2-31 under the person's control;  
 2-32 (B) inside of or directly en route to a motor  
 2-33 vehicle or watercraft that is owned by the person or under the  
 2-34 person's control; or  
 2-35 (C) under the direct supervision of a parent or  
 2-36 legal guardian of the person.

2-37 (b) Except as provided by Subsection (c) or (d), an offense  
 2-38 under this section is a Class A misdemeanor.

2-39 (d) An offense under Subsection (a-4) is a Class C  
 2-40 misdemeanor.

2-41 SECTION 5. Section 46.03, Penal Code, is amended by  
 2-42 amending Subsections (a) and (g) and adding Subsections (a-1) and  
 2-43 (g-1) to read as follows:

2-44 (a) A person commits an offense if the person intentionally,  
 2-45 knowingly, or recklessly possesses or goes with a firearm,  
 2-46 location-restricted [~~illegal~~] knife, club, or prohibited weapon  
 2-47 listed in Section 46.05(a):

2-48 (1) on the physical premises of a school or  
 2-49 educational institution, any grounds or building on which an  
 2-50 activity sponsored by a school or educational institution is being  
 2-51 conducted, or a passenger transportation vehicle of a school or  
 2-52 educational institution, whether the school or educational  
 2-53 institution is public or private, unless:

2-54 (A) pursuant to written regulations or written  
 2-55 authorization of the institution; or

2-56 (B) the person possesses or goes with a concealed  
 2-57 handgun that the person is licensed to carry under Subchapter H,  
 2-58 Chapter 411, Government Code, and no other weapon to which this  
 2-59 section applies, on the premises of an institution of higher  
 2-60 education or private or independent institution of higher  
 2-61 education, on any grounds or building on which an activity  
 2-62 sponsored by the institution is being conducted, or in a passenger  
 2-63 transportation vehicle of the institution;

2-64 (2) on the premises of a polling place on the day of an  
 2-65 election or while early voting is in progress;

2-66 (3) on the premises of any government court or offices  
 2-67 utilized by the court, unless pursuant to written regulations or  
 2-68 written authorization of the court;

2-69 (4) on the premises of a racetrack;

3-1 (5) in or into a secured area of an airport; or  
 3-2 (6) within 1,000 feet of premises the location of  
 3-3 which is designated by the Texas Department of Criminal Justice as a  
 3-4 place of execution under Article 43.19, Code of Criminal Procedure,  
 3-5 on a day that a sentence of death is set to be imposed on the  
 3-6 designated premises and the person received notice that:  
 3-7 (A) going within 1,000 feet of the premises with  
 3-8 a weapon listed under this subsection was prohibited; or  
 3-9 (B) possessing a weapon listed under this  
 3-10 subsection within 1,000 feet of the premises was prohibited.  
 3-11 (a-1) A person commits an offense if the person  
 3-12 intentionally, knowingly, or recklessly possesses or goes with a  
 3-13 location-restricted knife:  
 3-14 (1) on the premises of a business that has a permit or  
 3-15 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic  
 3-16 Beverage Code, if the business derives 51 percent or more of its  
 3-17 income from the sale or service of alcoholic beverages for  
 3-18 on-premises consumption, as determined by the Texas Alcoholic  
 3-19 Beverage Commission under Section 104.06, Alcoholic Beverage Code;  
 3-20 (2) on the premises where a high school, collegiate,  
 3-21 or professional sporting event or interscholastic event is taking  
 3-22 place, unless the person is a participant in the event and a  
 3-23 location-restricted knife is used in the event;  
 3-24 (3) on the premises of a correctional facility;  
 3-25 (4) on the premises of a hospital licensed under  
 3-26 Chapter 241, Health and Safety Code, or on the premises of a nursing  
 3-27 facility licensed under Chapter 242, Health and Safety Code, unless  
 3-28 the person has written authorization of the hospital or nursing  
 3-29 facility administration, as appropriate;  
 3-30 (5) on the premises of a mental hospital, as defined by  
 3-31 Section 571.003, Health and Safety Code, unless the person has  
 3-32 written authorization of the mental hospital administration;  
 3-33 (6) in an amusement park; or  
 3-34 (7) on the premises of a church, synagogue, or other  
 3-35 established place of religious worship.  
 3-36 (g) Except as provided by Subsection (g-1), an [An] offense  
 3-37 under this section is a felony of the third degree [felony].  
 3-38 (g-1) If the weapon that is the subject of the offense is a  
 3-39 location-restricted knife, an offense under this section is a Class  
 3-40 C misdemeanor, except that the offense is a felony of the third  
 3-41 degree if the offense is committed under Subsection (a)(1).  
 3-42 SECTION 6. Section 46.03(c)(2), Penal Code, is amended to  
 3-43 read as follows:  
 3-44 (2) "Amusement park" and "premises" have ["Premises"  
 3-45 has] the meanings [meaning] assigned by Section 46.035.  
 3-46 SECTION 7. Section 46.06(a), Penal Code, is amended to read  
 3-47 as follows:  
 3-48 (a) A person commits an offense if the person:  
 3-49 (1) sells, rents, leases, loans, or gives a handgun to  
 3-50 any person knowing that the person to whom the handgun is to be  
 3-51 delivered intends to use it unlawfully or in the commission of an  
 3-52 unlawful act;  
 3-53 (2) intentionally or knowingly sells, rents, leases,  
 3-54 or gives or offers to sell, rent, lease, or give to any child  
 3-55 younger than 18 years of age any firearm, club, or  
 3-56 location-restricted [illegal] knife;  
 3-57 (3) intentionally, knowingly, or recklessly sells a  
 3-58 firearm or ammunition for a firearm to any person who is  
 3-59 intoxicated;  
 3-60 (4) knowingly sells a firearm or ammunition for a  
 3-61 firearm to any person who has been convicted of a felony before the  
 3-62 fifth anniversary of the later of the following dates:  
 3-63 (A) the person's release from confinement  
 3-64 following conviction of the felony; or  
 3-65 (B) the person's release from supervision under  
 3-66 community supervision, parole, or mandatory supervision following  
 3-67 conviction of the felony;  
 3-68 (5) sells, rents, leases, loans, or gives a handgun to  
 3-69 any person knowing that an active protective order is directed to

4-1 the person to whom the handgun is to be delivered; or  
4-2 (6) knowingly purchases, rents, leases, or receives as  
4-3 a loan or gift from another a handgun while an active protective  
4-4 order is directed to the actor.

4-5 SECTION 8. Section 46.15(e), Penal Code, is amended to read  
4-6 as follows:

4-7 (e) ~~[The provisions of]~~ Section 46.02(a-4) does ~~[46.02~~  
4-8 ~~prohibiting the carrying of an illegal knife do]~~ not apply to an  
4-9 individual carrying a location-restricted knife ~~[bowie knife or a~~  
4-10 ~~sword]~~ used in a historical demonstration or in a ceremony in which  
4-11 the knife ~~[or sword]~~ is significant to the performance of the  
4-12 ceremony.

4-13 SECTION 9. The changes in law made by this Act apply only to  
4-14 an offense committed or conduct that occurs on or after the  
4-15 effective date of this Act. An offense committed or conduct that  
4-16 occurs before the effective date of this Act is governed by the law  
4-17 in effect on the date the offense was committed or the conduct  
4-18 occurred, and the former law is continued in effect for that  
4-19 purpose. For purposes of this section, an offense is committed or  
4-20 conduct occurs before the effective date of this Act if any element  
4-21 of the offense or the conduct occurs before that date.

4-22 SECTION 10. This Act takes effect September 1, 2017.

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